IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1159 (S/S) of 2005

Smt. Pushpa Kandpal
Wife of Sri M.M. Kandpal,
Assistant Teacher Primary School,
Sheetalpani, Block – Havalbagh,
Almora. **…….Petitioner.**

V e r s u s.

1. State of Uttaranchal, through Secretary, Basic Education, Dehradun.
2. Additional Director, Basic Education, Kumaon Mandal, Nainital.
3. District Education Officer, Almora.
4. Additional District Education Officer / BSA, Almora.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Dinesh Gahatori, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the present writ petition at its admission stage itself.

Petitioner, who is Assistant Teacher in Primary School at Sheetalpani, Block – Havalbagh, District Almora, has challenged the transfer order dated 29.06.2005 passed by respondent no. 3 i.e. District Education Officer, Almora by which the petitioner has been transferred from Primary School, Sheetalpani, Block – Havalbagh, Almora to Pithauni, Block – Havalbagh, Almora.

The submission of the petitioner is that petitioner has been transferred from Pithauni, Block – Havalbagh, Almora to

Sheetalpani, Block – Havalbagh, Almora and again Sheetalpani, Block – Havalbagh, Almora to Pithauni, Block – Havalbagh, Almora within a period of six months.

Learned counsel for the petitioner has further submitted that according to the new transfer policy no teacher shall be transferred from an institution before serving at least three years in that institution and the teacher who has served for more than 12 years of service in a school classified as remote area will be eligible to be transferred to sugam area.

Learned counsel for the petitioner has submitted that petitioner is a heart patient and doctor has advised her not to walk up and down in the hills and she was further advised to take regular treatment. Pithauni, Block – Havalbagh, Almora, is situated about 10 kms away from the motor road. In this connection, petitioner has already moved a representation dated 14.07.2005 before respondent no. 2 i.e. Additional Director, Basic Education, Kumaon Mandal, Nainital and same is pending before him. The petitioner has yet neither received the transfer order and nor has been relieved from the Primary School, Sheetalpani, Block – Havalbagh, Almora.

During the course of arguments learned counsel for the petitioner has confined his prayer that respondent no. 2 may be directed to decide the representation of the petitioner at the earliest.

The prayer is innocuous. Respondent no. 2 i.e. Additional Director, Basic Education, Kumaon Mandal, Nainital / Joint Director of Education, Kumaon Mandal, Nainital is directed to decide the petitioner's representation dated 14.07.2005 within a period of two weeks' from the date of production of certified copy of the order. While

considering the representation of the petitioner, respondent no. 2 shall consider the grievance of the petitioner mentioned in the representation sympathetically. In case, the petitioner has yet not been relieved, she may be permitted to continue at Sheetalpani, Block – Havalbagh, Almora till the decision is taken on the petitioner's representation dated 14.07.2005 by the respondent no. 2 i.e. Additional Director, Basic Education, Kumaon Mandal, Nainital / Joint Director of Education, Kumaon Mandal, Nainital.

Learned counsel for the petitioner is directed to submit the certified copy of this order along with representation before respondent no. 2 within a period of one week from today.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 17, 2005
SKSharma